

Rex M. Clack, Esq. (SBN 59237)  
 David E. Russo, Esq. (SBN 112023)  
 Neil Olson, Esq. (SBN 120946)  
**STERLING & CLACK**  
 A Professional Corporation  
 101 Howard Street, Suite 400  
 San Francisco, California 94105  
 Telephone: (415) 543-5300  
 Facsimile: (415) 543-3335

Attorneys for PLAINTIFF  
 CROSS LINK, INC., dba  
 WESTAR MARINE SERVICES

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 IN ADMIRALTY

In the Matter of the Complaint of	)	Case No.: C-05-2687 MJJ
	)	
CROSS LINK, INC., dba WESTAR MARINE	)	<b>STIPULATION AND REQUEST TO</b>
SERVICES as Owner and Operator of the M/V	)	<b>CONTINUE HEARING AND BRIEFING</b>
PROVIDER	)	<b>DATES ON CLAIMANTS' MOTION TO</b>
	)	<b>STAY LIMITATION PROCEEDING;</b>
Plaintiff,	)	<b>[REDACTED] ORDER]</b>
	)	
For Exoneration From or Limitation of Liability.)	)	
	)	
	)	

Plaintiff CROSS LINK, INC., dba WESTAR MARINE SERVICES ("plaintiff"), and claimants CONSTANCE PICCI and ANDREW SURGES ("claimants"), by and through their respective counsel of record, hereby stipulate to and respectfully request the Court continue the hearing on claimants' motion to stay the limitation proceeding by three weeks, and concurrently continue the dates for briefing said motion for the reasons set forth below.

Claimants filed their motion to stay this limitation proceeding and lift the restraining order entered herein on June 20, 2006. A hearing thereon was initially scheduled for July 25, 2006. Pursuant to stipulation and request of both parties, the Court continued the hearing to October 17,

2006, to allow time to assess the motion and determine if opposition would be filed. To do so, it was determined that some limited discovery would be necessary.

Discovery has been propounded and information is being reviewed and analyzed. An additional two week continuance would allow time to complete assessment of the issues related to the motion and for the parties to meet and confer as to whether opposition to the motion will be filed. Consequently, the parties respectfully suggest that a further short continuance of the hearing on claimants' motion with a concomitant extension of briefing deadlines will promote the fair and efficient adjudication of the motion.

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

For the foregoing reasons, plaintiff and claimants hereby stipulate and respectfully request that the Court continue the date of hearing on claimants' motion to stay the limitation proceeding to the next available date available to the Court for such hearing on or after October 31, 2006, which the parties understand is November 7, 2006, and that the Court order that the briefing schedule be concomitantly extended consistent with the new hearing date and in accordance with Local Rule 7-3(a) and this Court's Standing Order.

SO STIPULATED:

Dated: September 25, 2006

STERLING & CLACK  
Rex M. Clack  
Neil Olson  
David E. Russo

By: s/David E. Russo  
David E. Russo  
Attorneys for Plaintiff  
CROSS LINK, INC., dba  
WESTAR MARINE SERVICES

Dated: September 25, 2006

VENARDI ELAM, LLP

By: s/Mark L. Venardi  
Mark L. Venardi, Esq.

Attorneys for Claimant-Respondents  
CONSTANCE PICHHI, as the personal  
representative of the wrongful death claimants  
and ANDREW J. SURGES

David E. Russo attests that concurrence in the filing of this document has been obtained from each of the other signatories identified herein.

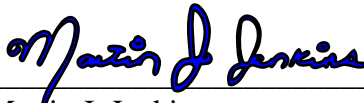
181635/P/Prop.StipEfile2

**ORDER**

Upon review and consideration of the foregoing stipulation, and good cause appearing therefor, IT IS HEREBY ORDERED:

1. The hearing on claimants' motion to stay the limitation proceeding is continued to November 7, 2006;
2. The date for filing opposition to claimants' motion is hereby continued to October 17, 2006; and
3. The date for filing any reply by claimants in support of their motion is continued to October 24, 2006.

Dated: 9/27/2006

  
Martin J. Jenkins  
U.S. District Judge